

Exhibit 7



U.S. Department of Justice

Civil Division, Fraud Section

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Via Electronic Mail

May 5, 2011

Stefan Mentzer
White & Case LLP
1155 Avenue of the Americas
New York, New York 10036-2787

Re: In re: Pharmaceutical Industry Average Wholesale Price Litigation,
MDL No. 1456/Civil Action No. 08-10852-PBS (D. Mass.)

Dear Mr. Mentzer:

In your letter of yesterday, you inquired as to whether CMS's consideration of defendants' *Touhy* request is somehow conditioned on withdrawal of the separate subpoena defendants posted on LexisNexis. As I had hoped to make clear in my letters to you and Paul Carberry, a principal problem with the *Touhy* request is that you sent it to CMS after discovery closed in your case. Additionally, the request is unduly burdensome and seeks irrelevant and privileged information. These problems with the *Touhy* request exist irrespective of whether you are simultaneously attempting to enforce the subpoena on a separate track. Withdrawal of the subpoena would not cure them, and indeed would have no bearing on these points. As I stated in the letter, withdrawal of the subpoena would merely put the matter in the appropriate procedural posture.

Thank you for your attention.

Very truly yours,

/s

Justin Draycott
Trial Attorney
Commercial Litigation Branch